

Decision Notice and Finding of No Significant Impact

South Belts Travel Plan



USDA Forest Service Helena National Forest Broadwater and Meagher Counties Montana

Decision and Summary of Process

Summary of Decision

After careful consideration of the anticipated impacts of the alternatives presented in this environmental assessment (EA) along with the accompanying project record, and the extensive public contacts and comments, I have decided to implement Alternative 2 with one modification (See section "Summary of Selected Alternative 2 Modified" for more detail).

This decision designates the open and closed motorized roads and trails during the period of May 15 through December 1 in the South Belts Travel Plan area of the Helena National Forest (Alternative 2 Modified Map, Attachment A). The project requires installation of gates and signs to implement and clarify changes to the transportation system on the ground. This decision also helps contribute to the completion of the Motorized Visitor Use Map (MVUM) for the Townsend Ranger District as required by the Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule of November, 2005, 36 CFR Part 212 (2005 Travel Rule).

Alternative 2 designates the motorized travel routes in two recently acquired sections of land, modifies closure locations where poor turnarounds occur, reduces open road densities, reduces the total miles of open roads, increases the miles of motorized trails, and reduces the miles of motorized routes in the three Inventoried Roadless Areas (IRAs) within the project area, including the Mount Baldy Forest Plan recommended wilderness area. This decision is supported by the Helena National Forest (HNF) Forest Plan objectives, standards, and management area direction while addressing other resource needs (Helena Forest Plan, 1986). This decision incorporated information from the Helena Forest Roads Analysis (October, 2004) and direction from the *Off Highway Vehicle Record of Decision and Plan Amendment for Montana, North Dakota, and Portions of South Dakota, January 2001* (Forest Plan Amendment #20 (referred to in this decision as 2001 Tri State OHV ROD), and the 2005 Travel Rule.

The identified modification to Alternative 2 involves the portion of route 105 from the summit of Grassy Mountain west to the junction of trails 105 and 123, about 0.3 mile (See Alternative 2 Modified map). I have decided to implement this portion of the route as it was displayed in the Alternative 1, which is closed to motorized use 5/15-12/01. This route was included as open in Alternative 2 in the EA based on comments by users who liked this route as an access for hunting and for 4x4 driving. However, I have decided to not designate it motorized because the route encroaches into the core of the Grassy Mountain IRA and provides very limited motorized access opportunity. See further discussion under *Motorized Routes within Inventoried Roadless Areas* later in this decision.

Background/Purpose

The purpose of this project is to designate the motorized route system for this portion of the HNF. Criteria used to determine which routes are part of the open, designated motorized system include,

protection of area resources, providing access for recreation, administration and resource uses, providing for safety for Forest users, and reducing or preventing conflicting uses.

Motorized vehicle use in the project area, as well as across the nation, is growing in popularity and the changing capabilities of Off Highway Vehicles (OHV's) have prompted the Forest Service (FS) to reevaluate these opportunities while sustaining the health of National Forest System lands (NFS). The lack of designation of the motorized transportation system has resulted in unplanned routes and increased off-route use. Potential consequences of increased OHV use include increases in the spread of noxious weeds, erosion, damage to cultural sites, conflicting uses, disruption of wildlife and habitat damage.

In 2001, the Forest Service and Bureau of Land Management (BLM) in Montana changed management for OHV use by directing all motorized use be limited to roads and trails, and designated off-route use areas (2001 Tri State OHV ROD). That amendment eliminated off-route cross country motorized travel and directed the affected Forests and Grasslands to proceed with site specific planning to determine the routes that would be part of the designated motorized system. In 2005, the FS published the 2005 Travel Rule that in part directed Forests and Grasslands nationwide to designate the motorized transportation system and areas. Region 1 of the FS developed a time line for completing this direction, with the HNF scheduled to be completed by 2009.

The HNF Forest Plan recreation objectives support this effort to provide dispersed recreation, including motorized and nonmotorized uses in primitive or semi-primitive recreation settings. For additional understanding of why this project was proposed, refer to pages 4 and 5 of the EA for the HNF's purpose and need for this action.

All figures, facts, numbers, etc. in this Decision Notice/Finding of No Significant Impact (DN/FONSI) and the EA are approximate and based on best available information.

Decision Space

It is my responsibility to determine if this travel plan meets applicable laws and regulations and Helena Forest Plan direction. It is also my responsibility to determine whether significant impacts exist or not, and whether or not the action should be authorized as described or should be modified. My decision must be supported by the analyses presented in the EA and evidence compiled in the associated project record. The decisions to be made herein include:

- Which roads and trails should be open or closed to public motorized use?
- Which motorized routes need a seasonal restriction for big game from 10/15-12/01?
- Is a Forest Plan Amendment necessary?

In the context of the above decision space, the following needs are being decided to further meet or move toward the purpose and need for this action:

- Reduce complexity of the current travel plan map,
- Relocate poor gate/berm locations,
- Maintain inventoried roadless areas (IRA) and Helena Forest Plan recommended wilderness area characteristics,
- Identify routes to dispersed campsites,
- Inventory and designate motorized routes on newly acquired sections of land, and
- Improve other resource conditions in context to this action.

Summary of Selected Alternative 2 Modified

Alternative 2 Modified provides opportunity for motorized use while addressing other resource needs within the context of opening or closing existing motorized roads and trails. A part of this alternative

also includes actions addressing the 'needs' described in the purpose and need for this action, such as relocating poor gate/berm locations and designating routes to established, dispersed campsites. Additional detail can be viewed in Chapter 2 of the EA. The following is a summary of Alternative 2 Modified:

- Miles of road open to licensed motorized vehicles 5/15-12/01 = 139.9 miles
This includes 17.2 miles of nonsystem¹ routes being added to the transportation system.
- Miles of road closed to motorized uses 5/15-12/01 = 121.7 miles
This includes 20.7 miles of nonsystem routes that are open in Alternative 1.
- Miles of road closed during hunting season 10/15-12/01 = 17.2 miles
- Miles of motorized trails open 5/15-12/01 = 4.9 miles
- Miles of motorized trails open 5/15-10/15 = 5.3 miles
This includes 1.7 miles of motorcycle trail
- Open routes to dispersed campsites – designated
- Inventoried Roadless Area open route miles reduced by 27% within travel plan area includes:
 - Camas Lakes IRA – open routes reduced by 1.8 miles
 - Mt. Baldy IRA – open routes reduced by 1.5 miles, a portion within Forest Plan recommended wilderness area
 - Grassy Mountain IRA – open routes reduced by 2.0 miles
 - Installation of gates and signs to designate the changes in travel routes and inform public users

Alternative 2 Modified also includes the features common to Alternatives 1 and 2 as described in the EA on pages 13 and 14. This decision is displayed on the Alternative 2 Modified map that is Attachment A of this document.

Summary of Other Alternatives Considered in Detail

Alternative 1 – No Action

The Council on Environmental Quality (CEQ) regulations (40 CFR 1502.14 d) requires that a “no action” alternative be analyzed even if it does not meet the purpose and need for a project. This No Action alternative represents the existing condition and trends to which other alternatives are compared. This is the benchmark or point of reference for describing the anticipated environmental effects. Management activities proposed in Alternative 2 in the EA would not occur. If this alternative was selected it would not preclude future proposals for this area.

Under Alternative 1, the current motorized route network in the South Belts area would remain unchanged. It would not preclude ongoing management activities or new management proposals at some time in the future. Alternative 1 includes:

- 173.6 miles of road open to licensed motorized vehicles 5/15-12/01. This includes 37.1 miles of nonsystem road miles that would be open.

¹ *Nonsystem* is synonymous with the definition of *Unauthorized road or trail* found in 36 CFR 212.1: A road or trail that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas.

- 92.2 miles of roads closed to motorized vehicles 5/15-12/01.
- 2.6 miles of designated motorized trail open 5/15-12/01. There are no designated miles of motorcycle trail.
- Open motorized routes in IRAs within the South Belts Travel project area.
 - Camas Lakes IRA; 5.2 miles
 - Mt. Baldy IRA; 4.3 miles
 - Grassy Mountain IRA; 10.2 miles

Alternatives Eliminated from Detailed Consideration

Proposed Action

The original proposed action that was presented during scoping was not retained for detailed analysis. Alternative 2 in the EA is very similar to the proposed action but includes changes requested by the public during scoping. Alternative 2 Modified as described above is the same as Alternative 2 in the EA with the exception of the modification for Route 105. The changes between the proposed action and Alternative 2 were minor in nature and were not considered to be substantive changes. These changes are displayed on Table 2.1 in the EA (pages 12-13). In summary, some of the differences are:

- Designating 1.7 miles of motorcycle trail on a currently nonmotorized trail,
- Designating 5 miles of motorized trail on currently closed roads,
- Designating Route 104 as a road instead of a motorized trail,
- Changing motorized routes from closed to open that access some private lands, and
- Correcting several map errors identified by the public.

Therefore, the original proposal was eliminated from detailed analysis due to the modest differences when compared to Alternative 2 in the EA. In addition, these changes were considered minor in context and didn't appear to present other unforeseen resource concerns.

Multiple Use Alternative

This alternative was presented by the Montana Multiple Use Association (MMUA) and Capital Trail Vehicle Association (CTVA) in April 2007 and was very similar to one they had prepared during the agency's preliminary travel planning effort in 2003, prior to the 2005 Travel Rule. This alternative included designation of all existing routes, whether currently open or closed, as open to motorized use 5/15-12/01, designation of many nonmotorized trails as motorized trails, and incorporation of connecting routes that occur on private land where no public easement exists. This alternative was eliminated because it exceeded the project scope and the purpose and need for this action. Specifically, this alternative contains elements of constructing new routes, incorporating routes on private land, reopening routes in IRAs/Forest Plan recommended wilderness, and reopening numerous miles of routes that would move away from Forest Plan standards for big game management (road density).

The intrinsic problems with this alternative were discussed with both associations and a modified alternative retaining a more motorized flavor but still within the framework of the purpose and need for this action was offered from the HNF to both MMUA and CTVA. This effort was not received favorably by the groups, basically due to the narrow scope of this project. However, as a result of MMUA and CTVA input, several concerns and issues were brought forward for analyses for this project, including economic effects, and access for forest products removal and mineral activities.

Public Involvement

Public involvement and collaboration regarding the South Belts Travel Plan has taken place since 2000. In 2000 a Forest-wide travel planning process resulted in a notice of intent (NOI) appearing in the Federal Register in December of 2000. That NOI was rescinded in March 2003. A second NOI

developed specifically for the South Belts area was submitted and appeared in the Federal Register in April 2003. That NOI was rescinded in June 2007. These stops and starts were primarily due to wildfire events and changes in priorities to the Forest's program of work partially due to these fires.

The public involvement and collaboration for this project was initiated in October 2006 utilizing newsletters, news articles, and numerous meetings with community groups, individuals, Broadwater and Meagher Counties, and other agencies including Montana Fish Wildlife and Parks and Montana DEQ (see documentation in project record). In addition, field trips that included the public were conducted to help foster understanding of the narrow scope of the project and to bring in ideas and suggestions in the development of the proposed action. From the beginning of this effort, attempts were made to involve interested parties to help develop the proposed action. At that time, it was important that everyone understood that the project would be conducted under a narrower scope as guided by the 2005 Travel Rule. This project has been listed in the HNF's Schedule of Proposed Actions since the fourth quarter of 2006.

Opportunity for the public to get involved was posted on the HNF website under 'Projects and Plans'. The Proposed Action was mailed to over 300 parties and publicized in March 2007. The Proposed Action reiterated the narrower scope of the project when compared to previous efforts, provided details about the proposal, included an 11x17 map of the open motorized route system and proposed changes, contained a comment sheet, and furnished information on the 2005 Travel Rule. News articles appeared in *The Townsend Star*, *Meagher County News*, *Billings Gazette*, and the *Helena Independent Record*.

Scoping/Issues

The proposed action scoping process identified concerns/issues that helped determine and develop the appropriate range of alternatives for the project and assisted resource specialists with their analyses. Through this process, the interdisciplinary team identified a number of concerns and issues, which are generally summarized as follows:

- Need for map corrections
- Need for access for administrative purposes, resource removal, fire response, and private land access
- Identification of specific route options different than the proposal,
- Route closure(s) identified as a hardship on older or disabled users
- Proposal was biased toward route closures
- Not enough protection given for recommended wilderness, IRAs, and nonmotorized uses
- Outside the scope of the proposal

The responses from the public input on the proposed action, including comments which led to a change are included in Appendix B of the EA. In the context of this public input, it was determined that there was no compelling evidence that adverse environmental effects should be expected due largely to the narrow scope of the proposal. Therefore, the development of an additional action alternative was not warranted. However, some items from this public input were addressed in the writing of the resources analyses of the alternatives:

- Displacement of motorized users,
- Change in watershed conditions and fishery habitats,
- Change in open road density for big-game,
- How access for other uses and needs is provided,
- How the potential and ability for noxious weed spread and treatment is changed,
- Effect on IRAs and recommended wilderness character,
- Evaluation of impacts to the local economy, and
- How roads used by fire fighters and other emergency responders are affected.

After reviewing the above referenced public input, the context in the EA, and the additional detail presented in the specialist's reports filed in the project record, I feel these items have been evaluated and addressed to my satisfaction.

Comment Period and Review

A 30-day comment period on the EA was initiated with a Legal Notice that appeared in the *Helena Independent Record* on November 14, 2007. The EA and Legal Notice were also posted on the HNF website. The EA or letters of notification of the availability of the EA were mailed to over 350 parties. Public 'open houses' were held at the Townsend Ranger District, the Helena Forest Supervisors' Office in Helena, and in White Sulphur Springs. The comments and agency responses are included in the document *South Belts Travel Plan EA Public Comments and Responses*, which is available for public review on the HNF website at www.fs.fed.us/r1/helena or by requesting a copy from my office.

Similar to public input received during the scoping process on the Proposed Action, this comment period did not bring forth compelling reasons to develop additional action alternatives.

Rationale for Selection of Alternative 2 Modified

My criteria for making this decision was based on a combination of the decision space described above, compliance with the HNF Forest Plan, applicable resource laws, the evidence presented in this EA and project record, and the compelling interests and values expressed by the public. My decision was also based on the extent management actions analyzed in the EA met the purpose and need of the project, and how well issues were addressed that were raised during the scoping process and the comment period.

I believe Alternative 2, with the modification to a portion of route 105 as described and analyzed in the EA, best meets the purpose and need in designating the changes to the motorized routes in the South Belts Travel Plan area. It is responsive to the issues and concerns identified by the public, other agencies, and my staff, and is within the narrow scope of the decision. Some of the routes that are currently open will be closed and routes that were closed will now be open in an effort to create a better combination of open/closed routes across the project area. The rationale for these changes to specific routes is summarized in Appendix A of the EA.

Alternative 2 Modified will help reduce the complexity of the current travel plan map by reducing the number of seasonal closures. This alternative also addresses the need to relocate some poor gate/berm locations that were unsafe for turnarounds, especially when vehicles with trailers are involved. Open road density is reduced in five of eight elk analysis areas and motorized routes in IRAs are reduced. Routes to most of the historically used dispersed campsites over 300 feet from designated open routes are designated and will be identified as open to motorized use on the upcoming MVUM required by the 2005 Travel Rule. This change will reduce the risk of resource damage due to off-route travel. Motorized access to dispersed campsites within 300 feet of designated open routes will also be delineated on the MVUM thereby reducing risk of resource damage. In addition, the two newly acquired sections on Grassy Mountain were evaluated and will now have designated motorized routes within the context of this decision.

Alternative 2 Modified will provide users with a good combination of open, motorized roads and trails for this area and eliminate the confusion surrounding nonsystem routes. In designating these routes, the incidence of new route proliferation will decrease. By this decision, public motorized use will only be allowed on those routes designated on the MVUM, which will be produced for the Townsend Ranger District Unit utilizing this decision, the North Belts Travel Plan (2005), and the Elkhorns Travel Plan (1995). These three decisions represent completion of the site-specific analyses required by the 2001 Tri State OHV ROD.

My decision also fits well with what the Chief of the Forest Service has described as the "Four Threats to the Health of the Nation's Forests and Grasslands", October 2006. The Chief stated that in the 21st century, the four major threats to the nation's forests and grasslands are 1) fire and fuels, 2) invasive species, 3) loss of open space, and 4) unmanaged recreation. Travel planning efforts are responsive

to threat #4 in particular. The Chief has directed the agency to work collaboratively to develop travel management plans that regulate the use of OHVs in an appropriate manner. As indicated in the public involvement section above, I believe the project team adequately engaged interested publics and other agencies in developing the proposed action and throughout the NEPA process. An array of avenues was provided through direct communication, letters, phone calls, emails, open houses, and in collaborative public settings that allowed for continued suggestions and ideas.

In arriving at my decision, I recognize the trade-offs involving public use of the South Belts Travel Plan area as well as the possible impacts to forest resources. The prevalent public concerns I wish to specifically address are:

- Reduction of open motorized routes and potential for displacement of motorized users
- Motorized routes within Inventoried Roadless Areas
- Scope of this decision

These issues were consistently raised during scoping of the Proposed Action and the 30-day comment period on the EA. Because of this interest, I feel compelled to briefly speak to these concerns to clarify my perspective and conclusions based on the evidence presented in this EA, specialist's reports filed in the project record, and discussions I had with members of the public.

Reduction of Open Motorized Routes and Potential for Displacement of Motorized Users

I received many comments concerned about the overall reduction of open motorized routes that would occur with Alternative 2, and the lack of motorized recreation opportunity. These concerns were in the context of overall road closures across the HNF as well as adjacent National Forests. Many commenters were concerned that fewer open motorized routes would result in concentrated use leading to increased resource impacts, resulting in even further restrictions. Some publics felt that less routes equals displacement of motorized users, forcing them to travel farther to find the recreation experience they seek. Several comments highlighted that the Forest Service appears to have a bias against motorized recreation and didn't look very hard at increasing motorized recreational opportunities in this area. These comments are in context to the fact that overall ownership of OHVs is increasing in Montana, resulting in increased demand for this type of use while available open motorized routes on public land are decreasing.

There is no doubt that designation of the motorized transportation system on public lands is resulting in a reduction of open, motorized routes for public use. In coming to my decision, I know that the South Belts Travel process has documented reasons and rationale for taking these measures. As the population of the United States and associated ownership of OHV's is increasing and the technology is being enhanced so is the incidence of increased nonsystem route proliferation across NFS lands.

The South Belts area, a relatively narrow mountain range of the public lands of the HNF, had nearly 40 miles of nonsystem roads inventoried for this project. This proliferation simply can't continue while expecting the Forest to meet Forest Plan standards. I believe the inclusion of 17.1 miles of nonsystem routes and the subsequent closure of the remaining nonsystem routes in Alternative 2 Modified is appropriate in light of the resource concerns and issues in this travel plan area.

The other point I would like to make in regard to motorized trail use is that the existing transportation system of the South Belts was not originally developed with recreation use in mind. The roads in the South Belts project area were developed over the past 50 years or so primarily for timber sales, electronic facilities, and power lines. In light of this situation and the comments received from many of you, I've included in my decision 10.2 miles of designated motorized trails on existing routes to respond to motorized trail recreationists. One area that was identified for more open routes by motorized trail riders in their comments is the Little Camas area, including the 483 road and connected routes. These routes are closed in Alternative 1 and have been closed for more than 25 years. Alternative 2 Modified provides for motorized trail use from 5/15-10/15 on about half of these roads. I am unwilling to identify further motorized routes in the area beyond what is included in Alternative 2 Modified because of my concerns for creation of conflicting uses. The Little Camas area is located

within a motorized corridor between two popular backcountry areas and the access points to them. I believe that some additional motorized trail opportunity can be accommodated without disrupting an area with relatively balanced recreational uses.

In looking closer at the 34 miles of closures, about 20 miles are nonsystem routes where the general public doesn't have access because the routes enter the forest through private lands with no public easement. Some of the other closures include short spurs that dead end into other ownerships that don't add much for the motorized experience. Other areas that I emphasized for closures include routes in the upper Holloway area and the south Grassy Mountain area, including the two recently acquired sections. These areas have high road densities, routes that cross sensitive soils, and potentially impact fish or wildlife habitat. Change was needed in these areas. I recommend that Appendix A of the EA be reviewed to better understand the site-specific reasons and rationale for many of the decision I made on individual routes.

I believe that this decision, which includes monitoring for closure effectiveness, can be effectively implemented, and is adaptive to unforeseen events and policy changes addressing public and administrative needs and uses.

Motorized Routes within Inventoried Roadless Areas

The issues identified in respect to the IRAs were that the HNF should remove motorized use within IRAs because the agency is not protective enough of roadless character and, conversely, that motorized users should have access to these lands as well.

The 2001 Roadless Rule (See project record) states "*The intent of this final rule is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management*" (p. 3244). In the preamble of the 2001 Roadless Rule it also states. Furthermore, the rule states "*The Roadless Areas Conservation rule, unlike the establishment of wilderness areas, will allow a multitude of activities including motorized uses, grazing, and oil and gas development that does not require new roads to continue in inventoried roadless areas.*"(p. 3249)"

The 2001 Roadless Rule directs the agency to minimize risks associated with certain development activities in IRAs and that these areas should be conserved for present and future generations. I believe my decision provides this foundation. In respect to multiple-use management, the 2001 Roadless Rule, unlike the establishment of wilderness areas, recognizes that activities such as motorized uses, grazing, and oil and gas development that do not require new roads could be allowed to continue in an IRA.

All of the routes in Alternative 2 modified retained for motorized use within the three IRA's currently exist on the ground and are known to have been in existence prior to the 2001 Roadless Rule. None of these routes will be upgraded to a higher maintenance standard than how they are currently being managed nor will they be relocated as a result of this decision. None of the routes that were not previously in the forests' system of routes have been identified to be open to motorized use. Thus, I believe my decision is consistent with the express language of the 2001 Roadless Rule.

My decision removes the only designated motorized trail from the Camas Creek IRA (1.8 miles are inside the IRA, 0.8 are outside the IRA). In the Mt. Baldy IRA, this decision closes all of the remaining motorized routes with the exception of the road to the Gipsy Lake Campground and day use area. In the Grassy Mountain IRA my decision also reduces about 17% of the open, motorized routes. The specific route changes are shown on the Alternative 2 Modified map (Attachment A) and are described route by route in Appendix A of the EA. For more detailed discussion regarding these three IRAs, refer to Appendix C of the EA.

Closure of 27% of the motorized routes within the three IRAs in Alternative 2 modified will help to enhance the diversity of plant and animal communities by reducing disturbance from motorized uses and will help to enhance the primitive and semi-primitive non-motorized experience.

I received many comments related to route 124 and several comments on routes 104, 105 and 583-B1 in the Grassy Mountain IRA. Alternatives 1 and 2 in the EA display and analyze route 124 as open to motorized vehicles 5/15-12/01. Many of the comments on the EA requested that I reconsider route 124 and designate it as a nonmotorized trail. Some comments identified that this route was never legitimately designated as a road. In researching the status of this route, my staff has identified that prior to the 2001 Tri State OHV ROD, this route was a motorized trail in an area open to off-route use. Forest staff and long time local permittees recall full size vehicle tracks and use on this route for more than 20 years. When the 2001 Tri State OHV ROD was enacted, two-tracks were visibly apparent making this a legitimate open, motorized route.

The interdisciplinary team and district ranger reviewed the public input received during collaboration efforts in 2006-7 in developing the proposed action. Route 124 was evaluated as a possible closure but was not included for three reasons: 1) to balance the proposed closures of other popular 4x4 routes; 2) lack of current resource impacts, and, 3) limited public concern specific to route 124. The project team incorporated route 124 in the proposed action as open to motorized use to balance the closures proposed on other 4x4 routes such as the northern part of trail 152, Stovecamp Trail 139 F1/118, NS 82 south of the Duck Creek microwave tower, 583-D1 Crazy Bastard Hill, and 4194 area routes. There have been no documented reports of use conflicts in this area over the past 20+ years of known motorized use. There were no comments received on route 124 from the October 2006 newsletter regarding this route and there were only two comments received during scoping of the Proposed Action in March 2007 in regard to this route. One comment supported this route to be an open, motorized route (Comment #75b, Appendix B of EA) and the other comment had concern for the southern portion being proposed as a motorized trail (Comment #16b, Appendix B of EA). The team found no compelling reason to propose changes for the northern part of route 124 and recommended designating the southern segment as a motorized trail in both the March 2007 proposed action and in Alternative 2 in the EA. I concur with the team's research and Alternative 2 for this route.

Route 104 under the existing condition is open to motorized use 5/15-12/01 as displayed on the Alternative 1 map in the EA. This route was proposed as a motorized trail in the March 2007 proposed action based on public requests for additional motorized trails in this area. The HNF received little feedback specific to this route during scoping, thus, no change was deemed necessary in Alternative 2. As with route 124, there was no compelling reason to change the status of route 104. The 2001 Roadless Rule, as stated above, does not prohibit motorized use within IRA boundaries (2001 Roadless Rule p. 3249). My decision includes a balance between closing some motorized routes and keeping open others among the three IRAs in the South Belts project area. Therefore, my decision provides lasting protection of the IRAs while still allowing some motorized routes within the multiple-use premise of the 2001 Roadless Rule.

The portion of route 105 in question is the segment from the top of Grassy Mountain in section 33 west to its junction with trail 123 (see Attachment A). This segment was identified as a closed route in Alternative 1 and open to motorized use 5/15-12/01 in Alternative 2 in the EA. It was identified as closed in the March 2007 proposed action but several commenters requested that it be open as it is a route for hunting access west of Grassy Mountain. Permittees also use it to access a remote livestock watering tank. I have decided that this route should remain closed to motorized uses to provide lasting protection as directed in the 2001 Roadless rule due to its terminus near the core of the Grassy Mountain IRA. This is my only modification to Alternative 2 from the EA.

Route 583-B1 received no comments expressing concerns during scoping of the March 2007 Proposed Action. The team identified that old road alignment segments NS 49 and 50 needed to be closed and these closures were incorporated into Alternative 2 in the EA. This would prevent inadvertent travel and erosion on these steeper routes. The frequent trips to maintain the microwave tower facilities were considered in recommending no change to this route between issuance of the Proposed Action and development of Alternative 2. I do not see a need for change on this route at this time.

Additional detail on the history of these Grassy Mountain routes can be found in the project record and in the agency responses to the 30-day comment period in the *South Belts Travel Plan EA Public*

Comments and Responses, which is available for public review on the Helena Forest website at www.fs.fed.us/r1/helena.

Scope of This Decision

Many organizations and individuals have been critical of the scope of the South Belts Travel Plan and they have identified that it is inconsistent with the scope of previous travel planning efforts on the HNF, such as the recently completed North Belts Travel Plan (2005).

It has been clearly stated from the beginning of this project when a newsletter was mailed in October 2006 and when the proposed action was issued in March 2007 that this project would be different from previous travel planning efforts due to the direction in the 2005 Travel Rule and completion schedule from the regional and national levels of the agency. The project team also had to work through the rule change and adjust their expectations of this effort's outcome.

The key to my decision and what I instructed the team to focus on were the open or closed routes that needed to be changed from the existing motorized transportation system. I believe this project and its supporting documents clearly described what this project would include and how it would be evaluated, which is different from previous travel plan efforts.

My authority to determine the scope of this project comes directly, in part, from 40 CFR 1501.7 (a) (2) and (3) where it states: *(a) As part of the scoping process the lead agency shall: (2) Determine the scope (1508.25) and the significant issues to be analyzed in depth in the environmental impact statement. (3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.*

My authority to determine scope of the project is also supported under 36 CFR 212.51 where it states that, *"the responsible official is responsible to designate motor vehicle use on National Forest System roads, trails, and areas on National Forest System lands."* Following designation, it is the express intent of the 2005 Travel Rule that routes not identified are prohibited from motor vehicle use. The identified timeframe for completion of this project has been determined by Regional direction.

I am also responsible to follow the FSH 1909.15 objective to incorporate environmental considerations into Forest Service planning and decision making in a systematic and cost-effective manner. I am responsible for ensuring that the procedures in the FSH are understood and followed by all involved in NEPA. This includes all phases of project process from public involvement, development of the purpose for the project and proposed action, the range of alternatives, and what will and will not be included in detail.

To complete the South Belts Travel Plan in a timely manner, I instructed the team to focus on the needed changes from the existing situation including making recommendations to me on 1) which roads and trails should be open or closed to public motorized use; 2) which motorized routes need to be seasonally restricted, and, 3) whether a Forest Plan Amendment would be necessary. I decided to defer the designation of routes for 'dual uses' because a NEPA decision is not needed for that effort. As part of the above recommendations, I instructed the team to explore opportunities to reduce travel map complexity, relocate poorly located gates/berms, maintain the character of IRAs, identify routes accessing dispersed campsites, and designate the open motorized routes on two recently acquired sections of lands as described in the purpose and need for this project.

I want to assure those interested publics and agencies that this decision does not hinder or prevent opportunities for future resource projects such as improvement of watershed conditions and enhancement for the motorized recreation experience. However, I will not initiate modifications to this travel plan until substantive implementation of the decision has occurred, including monitoring of effectiveness of the closures, 36 CFR 212.57 (See Monitoring Plan, Attachment B to this decision).

Based on my review of the issues and alternatives eliminated from further study, I have determined the narrow scope of my decision will not have a significant effect on the human environment.

Forest Plan Amendment

One of the decisions to be made with the South Belts Travel Plan project is whether or not a Forest Plan amendment is needed as a result of my selection of Alternative 2 Modified. I took into consideration that the scope of this project, an open/closed decision of existing routes, does not create a measurable substantial change, nor does it result in disturbance to the area's uses or its resources. The conclusion statements addressing Forest Plan consistency in Chapter 3 of the EA identify that there is either no change with respect to the Forest Plan or that there is some improvement to standards from the current situation.

For instance, one Forest Plan standard not being met under the current condition (Alternative 1) is hiding cover and open road densities. This standard is used to address big game security (elk vulnerability during the hunting season) in the Helena Forest Plan (1986). The Forest Plan directs that we will implement an aggressive road management program to maintain or improve big game security. Currently 5 of the 8 elk analysis areas meet the guidelines used in addressing this standard. Under my decision Alternative 2 Modified, the number of elk analysis areas meeting the guidelines remains the same. However, all elk analysis areas will see a reduction in open road densities. The three that do not meet the standard have the highest concentrations of road closures in Alternative 2 (EA, pages 18, 68-69). My decision will improve or maintain big game security as compared to the existing condition (EA, page 18, 68-70).

Therefore, due to the narrow scope of my decision, lack of ground disturbance other than posts for road closure gates, and specialists' analysis and conclusions in the EA and project record, I conclude that my decision is consistent with the Helena Forest Plan direction.

Finding of No Significant Impact (FONSI)

The Council on Environmental Quality (CEQ) regulations specify that when an environmental assessment (EA) has been prepared, I (the responsible official) must review the EA and determine whether the activities may have a significant effect on the quality of the human environment and if an environmental impact statement should be prepared (40 CFR 1508.13).

I have reviewed the EA for the South Belts Travel Plan including; the purpose or objective for the project; the descriptions of the no action and range of action alternatives as well as those eliminated from detailed analysis; and the anticipated direct, indirect, and cumulative effects of the proposed activities. I have also reviewed the project record for this analysis and gave particular attention to the input received from the interested publics during open houses, field trips, and their written comments throughout the process. All of these sources helped me in coming to the following findings.

Implementing regulations for NEPA (40 CFR 1508.27) provide criteria to help me determine the significance of the anticipated effects. Part of these significance criteria requires me to consider both context of the actions and intensity in reference to the severity of impacts.

Context (40 CFR 1508.27)²:

The discussion of the affected environment and disclosure of consequences in Chapter 3 of the EA concluded that this action is limited in context. The methodology, assumptions, effects, and

² 40 CFR 1508.27(a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant.

conclusions all contributed to clearer understanding of the magnitude of change due to this action. The anticipated resource impacts are insignificant due to the narrow scope of the action. Therefore the effects are local in nature. Anticipated effects are discussed in Chapter 3 (specialist reports in project record) and displayed and compared at the end of Chapter 2 in the EA. The results of the conclusions supporting my finding on the 10 intensity items below are not significant at the local level, and will therefore not contribute effects to the human environment at the regional or national context or the world as a whole.

Intensity (40 CFR 1508.27)³:

I considered the following 10 items as outlined in 40 CFR 1508.27 to help me to evaluate whether potential impacts are significant.

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effects will be beneficial.

My finding of no significant environmental effects is not influenced by the anticipated beneficial effects of this action. Impacts associated with the project are discussed in Chapter 3 in the Environmental Consequences section and summarized in Table 2-4 at the end of Chapter 2 in the EA. These described impacts in Chapter 3 do not contribute to adversely affecting the resources within the project area. In the case of open road density, it will be moving toward that Forest Plan wildlife standard. I find that the effects of closing about 34 miles of roads and designating additional motorized trail miles are not significant in the short or long-term. Closing 34 miles of roads results in a reduction of about 19% of the current open, road miles in the South Belts Travel area. The additional motorized trail miles are for the most part, not at the expense of road miles. The analysis clearly shows that the beneficial effects will not occur at the expense of other resources (see EA, Chapter 3 Environmental Consequences).

2. The degree to which the proposed action affects public health or safety.

There will be no significant effects on public health and safety. This decision does change the location of a number of poorly located gates/berms that create unsafe turnaround situations for vehicles pulling trailers. The new locations contribute to easier, safer situations for vehicles with trailers to maneuver. My decision includes the needs for other administrative use, such as the availability of closed routes during emergency events such as fire suppression. My decision will not preclude these situations. I find that the overall change from this action in respect to public health or safety is not substantive or significant from the current situation but some improvement is expected (See EA Chapter 3 under Transportation, Recreation, Lands, and Economics)

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects on unique characteristics within the project area. The nature of this action addresses management of the existing transportation routes. No new construction is in the scope of this decision. Therefore, no substantive or significant impact will occur on the above unique characteristics except for the closing of some roads located within the Camas and Grassy Mountain Inventoried Roadless Areas (IRA) and the Mount Baldy IRA/Recommended Wilderness Area. This action reduces access by motorized means within these areas and therefore enhances the nonmotorized character of these areas as described in Appendix C – *Inventoried Roadless Areas* of the EA. Therefore, I find that this action will not have a significant adverse impact on the unique characteristics within the project areas. See Item 8 below in respect to historic or cultural resources.

³ 40 CFR 1508.27 (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. For *intensity*, there are ten items outlined under 40 CFR 1508.27 and are addresses in this document that are considered in evaluating intensity.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not controversial because there is no known scientific controversy over the impacts of the project. This project is compatible with Forest Plan goals and objectives as outlined in the Helena Forest Plan as well as direction found in the Forest Plan Management Areas. There was concern over the displacement and balance between motorized and nonmotorized uses derived from the public comments during the scoping and 30-day comment periods. In that regard, there are about 34 miles of additional roads to be closed in this decision, of which over half are short, dead-end spurs and others that have no public access. Some other roads to be closed are within the three IRAs as described in Item 3 above. However, there will be about 7.6 miles of additional motorized trail in this decision enhancing that use when compared with only 2.6 miles under Alternative 1 (See Chapter 3 under *Transportation and Recreation*).

5. The degree to which the possible effects on the human environment is highly uncertain or involves unique or unknown risks.

There are no highly uncertain, unique, or unknown risks that would impose possible effects on the human environment. The conclusions discussed under each resource in Chapter 3 of the EA and issues identified from both public scoping and the 30-day comment period did not reveal any uncertainty or unknown risk. My conclusion is due largely to the narrow scope of this decision that includes only an open/closed determination on the existing routes including nonsystem routes within the South Belts project area. I find that the potential for possible effects on the human environment due to highly uncertain, unique, or unknown risk is either very low or does not exist. Therefore it is not significant.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project is not setting a precedent for future actions with significant effects. The existing uses, added to this decision, are compatible with the Helena Forest Plan and with the capabilities of the land. This action impacts only the existing roads and trails and only makes a determination of allowing motorized use or not. The changes of closing about 34 miles of roads and opening an additional 7.6 miles of motorized trails do not establish a precedent for future actions with significant effects (See Chapter 3 of the EA under cumulative effects and conclusions of all resource sections). In addition, the method of opening or closing existing roads or trails will not have any irreversible or irretrievable commitments on the resources. Under the required monitoring of this decision (36 CFR Part 212.57), this project will be implemented using an adaptive management approach in regard to possible future changes as public uses, administrative needs, and environmental conditions change. In this regard, I find that no precedent setting leading to significant effects associated with future actions exist.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small components parts.

Chapter 3 - *Affected Environment and Environmental Consequences* section of the EA with further evidence in the specialist reports filed in the project record discloses the direct, indirect, and cumulative impacts and their conclusions. In reviewing this information, I find that these impacts are not considered to be significant, individually or cumulatively.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

This decision will close about 34 miles of mostly nonsystem roads, which would benefit the preservation and protection of cultural resources. In some cases this would diminish ease of access for scientific investigation, monitoring and related Heritage Program activities.

These closures (particularly on nonsystem routes) will protect cultural resources and areas identified as high potential during the portion of the year when recreationists, ranchers, and agency personnel access and use the South Belts. Therefore, this action will have a beneficial effect to cultural resources.

Nonsystem routes frequently bisect cultural resources, exposing ancient artifacts and features such as fire hearths in the tread. As time goes by, these wheel treads get deeper leading to by-pass routes resulting in multiple treads. The exposed archaeological remains are then vulnerable to illegal collection, crushing by vehicles, erosion damage, and other processes. Closing nonsystem routes will greatly reduce the potential for this type of disturbance. Therefore I find that this action will have no significant effect on these resources (See EA Chapter 3 – *Heritage*).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. A Biological Assessment (BA) for threatened and endangered species was completed. Chapter 3 under *Fisheries, Wildlife, and Sensitive Plants* and in the associated biological evaluations/biological analysis conclude that this action will not have any adverse effects upon threatened or endangered species. This finding incorporates the November 14, 2007 discovery of brook trout and westslope cutthroat trout in the Greyson Creek drainage above the Forest boundary (Addendum to South Belts Travel Plan Fisheries Specialist Report, January 2008). This latest information adds 0.5 miles of Greyson Creek to the total drainages within the South Belts project area that is occupied by westslope cutthroat trout. I find that this decision will have no significant effect on endangered or threatened species or their habitat. (See Chapter 3 of the EA, Specialist Reports filed in the project record, addendum to fisheries report, and the Errata sheet on the Helena Forest website).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action will not violate Federal, State, or local laws or requirements for the protection of the environment. Local, state, and federal agencies consulted as part of project planning include the Broadwater and Meagher County Commissions, Montana Department of Environmental Quality and Fish, Wildlife, and Parks, and the Environmental Protection Agency. Applicable laws and regulations were considered and these actions are consistent with the HNF Forest Plan (See EA Chapter 1 – *Introduction, Purpose and Need for Action, and Relationship to Pertinent Plans, Laws, and Regulations*).

I have concluded that this action is in compliance with other Federal, State, or local law or requirements due to the evidence presented in the EA supported by the specialists' reports filed in the project record; concurrence from other agencies; letters, e-mails, and phone calls I received throughout the process; and with the many conversations the team and I have had with many of you. Some of those laws, regulations and policies are listed below.

Consistency with the Helena Forest Plan 1986 (HFP)

The EA is appropriately tiered to and consistent with the HFP. The selected alternative is in compliance with management area direction established for the area. The HFP allows for management of the forest transportation system for the purpose of achieving objectives other than transportation.

Consistency with the National Forest Management Act (NFMA)

After reviewing the anticipated consequences of Alternative 2 Modified, I believe the selected action is better suited to implement Forest Plan direction, the 2005 Travel Rule, and accomplish the purpose and need for this project than the no action alternative.

Consistency with National Environmental Policy Act (NEPA)

The NEPA provisions have been followed as required by 40 CFR 1500-1508. The EA analyzed two alternatives including a no action alternative (Alternative 1). It also disclosed the expected impacts of both alternatives and discussed the identified issues and concerns through public involvement (EA, Chapter 2). This document describes the decision I have made and my rationale for this decision.

Endangered Species Act (ESA)

This decision meets all requirements of the ESA. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. The BE/BA's for this project are located in the project file.

National Historic Preservation Act (NHPA)

The selected alternative complies with the provisions of the NHPA as amended. Identified heritage resources of potential National Register significance would remain unchanged with this decision as there is no authorized new ground disturbance.

Environmental Justice

There is no minority or low income community that will be disproportionately affected through economic or cultural factors. Therefore, Executive Order 12898, Environmental Justice, has been adequately addressed.

Global Climate Change Prevention Act (GCCPA)

The GCCPA amended the Resources Planning Act to require the Secretary of Agriculture to consider the potential effects of global climate change on the condition of the renewable resources on the forests and grasslands of the United States, and to analyze opportunities to mitigate the build up of atmospheric carbon dioxide and reduce the risk of global climate change. However, the statute does not require the agency to consider global climate change in a quantitative, monetary analysis in every site-specific decision but instead gives the agency the discretion to consider this issue as appropriate. Given the narrow scope of my decision along with little to no ground disturbance, I conclude that an analysis on global climate change is not warranted.

State Water Quality

The State of Montana Water Quality Standard is a narrative standard linked to beneficial uses. This decision will result in fewer crossings of streams by open motorized routes and fewer miles of open motorized route within 100 feet of streams. The magnitude of this action is not substantive yet does set the stage for possible future water quality improvement.

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the actions analyzed for this South Belts Travel Plan do not constitute a major federal action. In addition, the implementation of this project will not significantly affect the quality of the human environment. Accordingly, I have determined that an environmental impact statement need not be prepared for this project.

Administrative Review or Appeal Opportunities

Copies of the South Belts Travel project EA and DN/FONSI and attachments, and South Belts Travel Plan EA Public Comments and Responses are available for public review at the Broadwater, Meagher, and Lewis and Clark County libraries, the Townsend Ranger District, the Helena National Forest Supervisor's Office on Skyway Drive across from the airport, and the Helena Ranger District on Poplar Street. They may also be accessed on the worldwide web through the Helena National Forest website at <http://www.fs.fed.us/r1/helena/projects/index.shtml>.

Printed or electronic (compact disc) copies of the EA and DN/FONSI are available upon request. The supporting project record is available for review at the Helena National Forest Supervisor's Office at 2880 Skyway Drive, Helena, MT 59602.

This decision is subject to appeal pursuant to 36 CFR Part 215. A written appeal as guided by 36 CFR 215.14 must be submitted within 45 days following the publication date of the legal notice of this decision in the Helena *Independent Record* newspaper. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted, or delivered in person between 7:30 a.m. to 4:00 p.m., to either the following locations:

USDA Forest Service, Northern Region

ATTN: Appeal Deciding Officer

P.O. Box 7669

Missoula MT 59807

USDA Forest Service, Northern Region

ATTN: Appeal Deciding Officer

200 East Broadway

Missoula MT 59802

In electronic appeals, the subject line should contain the name of the project being appealed and submitted to appeals-northern-regional-office@fs.fed.us no later than 11:59 p.m. on the last day of the appeal period. An automated response will confirm that your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF). It is the sole responsibility of the appellant to ensure a submitted appeal is received.

It is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must at a minimum include the following information:

- The appellant's name and address, with a telephone number, if available.
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal).
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request.
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision.
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, Subpart C.
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes.
- Any portions(s) of the decision with which the appellant disagrees, and explanation for the disagreement.
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments.
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: http://www.fs.fed.us/r1/projects/appeal_index.shtml.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Mike Cole at the Townsend Ranger District (415 S. Front Street, (406) 266-3425) or Jan FauntLeRoy at the Supervisor's Office, Helena National Forest (2880 Skyway Drive, (406) 449-5201).



KEVIN T. RIORDAN
Forest Supervisor
Helena National Forest

February 14, 2008
Date

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